

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

AGENDA FOR SPECIAL CITY COUNCIL MEETING

June 12, 2006
10th Floor Conference Room, City Hall
4:00 p.m.

AGENDA: Question and answer session with staff on the items listed on the Agenda posted for the Regular City Council Meeting of Tuesday, June 13, 2006. No deliberations among the Council members will be held and no action will be taken during this meeting on the items posted on the Agenda.

AGENDA FOR REGULAR CITY COUNCIL MEETING

June 13, 2006
Council Chambers, City Hall
8:30 a.m.

After the meeting is convened, the City Council shall consider the following items in the following order no sooner than the designated times, but may consider them at a later time.

8:30 a.m.: Roll call and Executive Session*
9:00 a.m.: Invocation and Pledge of Allegiance
9:00 a.m.: Ceremonial items followed by all other items posted on the Agenda

*At any time during the Council meeting, the City Council may meet in executive session pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss items as permitted by law.

Invocation – Police Chaplain Carlos Flores
Pledge of Allegiance

MAYOR'S PROCLAMATIONS

- 1. WEST POINT DAY**
- 2. JUNETEENTH**

RECOGNITION AWARD TO THE CITY

DR. TOM TENNER PRESENTING
THE "HEART AND STROKE HEALTHY CITY" GOLD AWARD TO THE CITY

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/city_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting. The wording of all agenda items shall appear in the minutes of this meeting of the City Council as posted, unless otherwise revised by this or other motion of Council, without the necessity of the City Clerk reading the wording of each item into the record.

CONSENT AGENDA

1. **APPROVAL OF MINUTES:** [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

Approval of Minutes for Regular City Council Meeting of June 6, 2006, and Special City Council Meeting of June 5, 2006.

2. **REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**

Representative Steve Ortega

3. **RESOLUTIONS:**

- 3A. That the City of El Paso and West mutually agree to the termination of the order form and related documents originally executed pursuant to the El Paso City Council Resolution dated October 11, 2005; and that the City Manager be authorized to sign a new order form and any related materials by and between the City of El Paso and West for the provision of legal research products, including both internet and print resources; the order form shall be for a period of three (3) years and shall include updates and continuing services for all internet and print materials. The cost for these services will amount to approximately \$3,200.00 per month. **(All Districts)**

[City Attorney's Office, Raymond Telles, (915) 541-4986]

3B. That the El Paso City Council approves the following priorities and locations under the "Open Space Enhancements" (District 2) project as required by Proposition No. 3 of the February 7, 2004, General Obligation Bond Election:

1. Van Buren Dam, southeast intersection of Alabama Street and Harrison Street - \$450,000.
2. Drainage areas at Louisiana Street between Sacramento Street and Mobile Street; between Mobile Street and Nashville Street; and southeast intersection of Louisiana and Nashville - \$296,000.

Project: PBE04ST124; Fund: 29139; Department: 14200403; Account: 508027.
(District 2) [Development and Infrastructure Services, Patricia D. Adauto, (915) 541-4853]

3C. That the City Manager be authorized to sign an Underground Electrical Easement to the El Paso Electric Company for a portion of Lot 1, Block 12, El Paso International Airport Tracts, Unit 8 Replat, El Paso, El Paso County, Texas, to provide electrical service to 8730 Boeing Drive (El Paso Sun Park Ltd.) for and in consideration the city will receive the sum of one dollar. **(District 2)** [Engineering Department, Rick Conner, (915) 541-4423]

3D. That the City Manager be authorized to sign an Overhead Electrical Easement to the El Paso Electric Company for a portion of Lot 10, Block 1, Farah Subdivision, El Paso, El Paso County, Texas, to provide electrical service to facilities located at 9300 Viscount within the San Mateo Apartments for and in consideration the City will receive the sum of one dollar. **(District 3)** [Engineering Department, Rick Conner, (915) 541-4423]

3E. That the City Manager be authorized to sign a Contract between the City of El Paso and Richard G. Campos, Jr., to employ Richard G. Campos, Jr., as a Senior Programmer Analyst for the Information Technology Department at a biweekly rate of \$2,307.69. The total amount of the contract shall not exceed \$60,000.00 plus benefits. The term of the contract shall be for the period of June 23, 2006, through June 22, 2007. Fund Source: 39010351-501000-01101. [Financial and Administrative Services, William Studer, (915) 541-4011]

3F. That the City Manager of the City of El Paso (the "City") be authorized to sign an amendment to that certain ATM License Agreement for El Paso Employees Federal Credit Union entered into by and between the City and the El Paso Employees Federal Credit Union, adopted on October 11, 2005, to change the installation of two Automatic Teller Machines from an outdoor location to an indoor location and decrease their respective annual license fees from one thousand four hundred Dollars (\$1,400.00) to three hundred dollars (\$300.00). **(All Districts)** [Financial Services, Carmen Arrieta-Candelaria, (915) 541-4315]

4. BOARD RE-APPOINTMENTS:

4A. James (Jim) Welshimer to the Community Development Steering Committee by Mayor John Cook. [Mayor John F. Cook, (915) 541-4145]

4B. Roger K. Curie to the Community Development Steering Committee by Representative Presi Ortega, Jr., District 5. [Representative Presi Ortega, Jr., (915) 541-4189]

- 4C.** Barbara R. Esparza to the Community Development Steering Committee by Representative Susie Byrd, District 2. [Representative Susie Byrd, (915) 541-4416]

5. BOARD APPOINTMENT:

Felipe J. Luna to the Community Development Steering Committee by Mayor Pro Tempore Beto O'Rourke, District 8. [Representative Beto O'Rourke, (915) 541-4268]

6. APPLICATIONS FOR TAX REFUND: [Tax Office, Juan Sandoval, (915) 541-4369]

That the tax refunds listed on the attachment posted with this agenda be approved. (See attachment A)

7. PURCHASE ORDERS:

- 7A.** Request that the Deputy Director for Financial Services, Purchasing Division, be authorized to issue a purchase order to Medtronic Emergency Response Systems, Inc. Medtronic Emergency Response Systems, Inc. is the authorized technical service representative providing manufacturer authorized maintenance. Medtronic Emergency Response Systems, Inc. is the sole provider for LifePak Defibrillators products, its parts, accessories, repairs, and services. Award amount is \$89,977.84/year.

Additionally, it is requested that staff be authorized to negotiate, Legal to review, and that the City Manager be authorized to sign any and all additional documents as necessary. **(All Districts)** [Financial Services, Ray Heredia, (915) 541-4316]

Total Award amount: \$359,911.36

Funds Available: 22010319-01011-502229

Funding Source: General Funds SCBA & Logistic, Office Equipment Maintenance Contracts

Department: Fire

POSTPONED FROM 06-06-06

- 7B.** Request that the Deputy Director for Financial Services be authorized to issue Purchase Order(s) to The Revenue Markets, Inc. (TRMI) in the amount of \$226,655.44 for upgrading and enhancing the toll collection system to include system modifications to accommodate the four lane increased lane count, vehicle and pedestrian lane equipment, and a web-based Plaza Administrator/Reports application. TRMI is the sole provider for application software and customized related equipment for the current toll collection system for the International Bridges.

Additionally, it is requested that staff be authorized to negotiate, Legal to review, and the City Manager be authorized to sign any and all additional documents and/or agreements as necessary. [Financial Services, Barbara Crumley, (915) 541-4315]

Department: Street

Funding Sources: 508004-43001-32000082-PPWBR03006,
SIB Loan/Capital Projects, Auto Toll Collection System \$57,750.00
508010-43005-32000080-PBR0001, 1989 Revenue Bond
Projects, Zaragosa POE Weight and Motion Scales \$168,905.44

Amount of Award: \$226,655.44

District(s): 6 and 8

Sole Source Contract No: 2006-144

8. BEST VALUE PROCUREMENT:

This contract shall be awarded to the bidder who provides the best value to the City. The City may consider price and other relevant criteria listed in the request for bids.

8A. Solicitation No. 2005-225 Traffic Paint
Award to: Pervo Paint Company
Los Angeles, California
Item(s): Group I – All Items and Group II – All Items
Amount: \$113,790.00 (estimated annually)
Department: Street
Funds available: 01101-32000-32010287-503122
Funding source: General Fund-Maintenance Supplies/Parts
Total award: \$341,370.00 (estimated)
District (s): All

The Street Department and Financial Services Department recommends award as indicated to the best-value offeror meeting specifications.

This is a thirty-six (36) month requirements type contract for the purchase of Traffic Paint. The vendor does not offer a prompt payment discount. [Financial Services, Paul M. Carson, (915) 541-4234]

8B. Solicitation No. 2006-096 Janitorial Services - Municipal Service Center/Corrals
Award to: Total Cleaning Services
El Paso, TX
Item(s): All
Amount: \$49,855.44 (estimated per year)
Department: General Services, Maintenance Division
Funds available: 31010326-01101-502206
Funding source: General Services, Maintenance Division Operating Account, Maintenance Service Contracts
Total award: \$149,566.32 (estimated)
District (s): 3, 4, and 7

General Services, Maintenance Division, and Financial Services, Purchasing Division, recommend award under its best-value criterion to the above-listed responsive vendor.

This is a thirty-six month contract with the option to renew for one additional year. Total Cleaning Services offers 3%-10 Days, prompt payment discount.

[Financial Services, Ray Heredia, (915) 541-4316]

9. BIDS:

If apparent low bidder is disqualified for any reason, City Council reserves the right to exercise any option legally available under the law by awarding bid to next lowest responsive and responsible bidder even though the bidder is not named on this agenda.

9A. Solicitation No. 2006-099 - Resler Canyon Erosion Control Improvements
Location: Alto Mesa Dr., Pizzaro Dr., and Marcena St.
Contractor: CK Construction Inc. in joint venture with Spartan Const.
El Paso, TX
Department: N/A
Funds Available: PFC06001/60600/31260001
Funding Source: FY 2003 Certificates of Obligation
Items: Location 1: Alto Mesa Dr. & Mesa St. \$197,650.00

Location 2: Parking Area at 200 Alto Mesa Dr.	\$ 56,200.00
Location 3: 300 Alto Mesa Dr.	\$ 16,200.00
Location 5: Pizarro Dr.	\$ 51,891.00
Location 6: Marcena St.	\$ 25,850.00

Maximum Total Award: \$347,791.00

Estimated Completion Date: July 2006

District(s): 8

The Engineering Department, in consultation with Frontera Land Alliance, recommend the award of Contract No. 2006-099, Resler Canyon Erosion Control Improvements, to CK Construction, Inc. in joint venture with Spartan Construction, the low, responsible, responsive bidder. This unit-priced contract is for the total amount of \$347,791.00. The Resler Canyon Erosion Control Improvements project was created and funded as a result of a legal agreement as documented by a letter of understanding, dated December 20, 2005, wherein the City agreed to pay \$347,750.00 for repair maintenance and/or stabilization projects located in or appurtenant to Resler Canyon. Council approves an additional funding of \$291.00.

Work under the unit price component is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term. In no event shall the total contract amount paid under this contract exceed \$347,791.00 without further authorization of City Council.

[Engineering Department, Rick Conner, (915) 541-4423]

- 9B.** Solicitation No. 2006-069 Library Shelving and Furniture for Eastside Regional Library
- Award to: Vendor 1: Libra-Tech Corporation
Argyle, Texas
- Items: Group II, #2: Qty 1 @ \$1,279.50/each
Group II, #3: Qty 1 @ \$841.22/each
Group II, #4A: Qty 3 @ \$835.51/each
Group II, #4B: Qty 2 @ \$966.31/each
Group II, #5: Qty 6 @ \$245.71/each
Group II, #6 Qty 13 @ \$302.38/each
Group II, #7A: Qty 12 @ \$252.50/each
Group II, #7B: Qty 8 @ \$228.72/each
Group II, #14: Qty 2 @ \$2,714.74/each
- Amount: \$22,254.31
- Vendor 2: El Paso Automated Office & Industrial Systems, Inc.
El Paso, Texas
- Items: Group II, #8A: Qty 5 @ \$879.00/each
Group II, #8B: Qty 1 @ \$899.00/each
Group II, #9A: Qty 4 @ \$879.00/each
Group II, #9B: Qty 2 @ \$899.00/each
Group II, #23: Qty 1 @ \$2,980.00/each
- Amount: \$13,588.00
- Vendor 3: Rio Grande BPSI
El Paso, Texas
- Items: Group II, #28: Qty 55 @ \$337.64/each
Group II, #29: Qty 11 @ \$406.64/each
Group II, #30: Qty 8 @ \$406.64/each

Group II, #31: Qty 2 @ \$569.94/each
 Group II, #32: Qty 6 @ \$618.54/each
 Group II, #33: Qty 6 @ \$345.92/each
 Group II, #34: Qty 12 @ \$113.28/each
 Group II, #35A: Qty 100 @ \$113.28/each
 Group II, #35B: Qty 6 @ \$189.12/each
 Amount: \$47,045.08

The Library and Financial Services Departments recommend award as indicated to the lowest responsive offerors meeting specifications from responsible parties.

Award for Group I, Library Shelving, was approved by Council on May 2, 2006. Offers for Group II, Furniture, were still under review at that time. This award is for Group II, Furniture.

This is a fixed-price, single (one-time) purchase to purchase library furniture. Vendor No. 1 offers options to purchase up to one hundred percent (100%) of the original contract quantities at the same unit prices if the options are exercised within sixty (60), ninety (90), and/or one hundred eighty (180) days from the date of award of the contract. Vendor No. 2 offers no option to purchase additional quantities; and Vendor No. 3 offers an option to purchase up to one hundred percent (100%) of the original contract quantities at the same unit prices if the option is exercised within one hundred eighty (180) days from the date of award of the contract. No prompt payment discounts are offered.

[Financial Services, Barbara Crumley, (915) 541-4315]

Department: Library
 Funds available: 31130562-508009-60003-PPW0056005YR2
 Funding source: Furniture and Fixtures, Library Facility 01 issue CP,
 Eastside Regional Library
 Total award: \$82,887.39
 District (s): 5

REGULAR AGENDA

10. INTRODUCTION OF ORDINANCE PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:

Public comment typically is not taken during the introduction of ordinances.

Public comments are invited at the date of the scheduled public hearing.

- 10A.** An Ordinance amending section 3 of ordinance no. 16086, the ordinance establishing deadlines and procedures for placing matters on the agenda for City Council meetings, to allow citizens to directly place items on the City Council agenda. [Representative Eddie Holguin, (915) 541-4178]

PUBLIC HEARING WILL BE HELD ON JUNE 27, 2006 FOR ITEM 10A

- 10B.** An Ordinance changing the zoning of Tract 6H, Block 9, Upper Valley Surveys, El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-2 (Residential), and imposing a condition. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject property: Ada Lane and Valley Road. Applicant: Enrique Escobar. ZON06-00038 **(District 1)**
 [Development Services/Planning, Melissa Granado, (915) 541-4730]

PUBLIC HEARING WILL BE HELD ON JULY 5, 2006 FOR ITEM 10B

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

11. MAYOR AND COUNCIL:

11A. Discussion and action that the City of El Paso, in light of increased valuations for next, increase the tax exemption for the elderly and disabled an additional \$20,000 by year 2007. [Representative Jose Alexandro Lozano, (915) 541-4515]
POSTPONED FROM 02-21-06

11B. Discussion and action pursuant to City Charter Section 4.3, Mayor Pro Tempore. [Representative Beto O'Rourke, (915) 541-4268]

11C. Discussion and action to direct staff to provide items regarding the finances of the City of El Paso, in sixty (60) days, to Representative Lozano; including but not limited to the following:

Information on how much money the city has, including all financial instruments of any kind, all current component units and the rate of return on them; exactly which accounts all funds are located in; the rate of return on re-invested funds and exactly which accounts those re-invested funds are in.

[Representative Jose Alexandro Lozano, (915) 541-4515]

11D. Discussion and action to rule out eminent domain for private development from the downtown plan. [Representative Jose Alexandro Lozano, (915) 541-4515]

11E. Discussion and action to make operational wheelchair lifts and safe wheelchair transportation a higher priority at Sun Metro.
[Representative Melina Castro, (915) 541-4400]

11F. Discussion and action to amend the rules of order and allow placement of agenda items by citizens. [Representative Eddie Holguin, (915) 541-4178]

12. BUDGET TRANSFERS: [Office of Management and Budget, David Almonte, (915) 541-4011]:

BT2006-841 GENERAL SERVICES

Appropriation increase requested to cover fuel expenditures for FY2006 due to high fuel prices. **(All Districts)**

Increase	\$2,000,000	to	Fuel Inventory Purchase
Increase	\$2,000,000	to	Fuel/Lubricant Charge

13. PUBLIC HEARING – DEVELOPMENT SERVICES:

An Ordinance changing the zoning of a portion of Lot 53, Cinecue Park, El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-3 (Residential). The penalty is as provided for in Chapter 20.6 of the El Paso City Code. Subject Property: 8214 Troy Avenue. Applicant: CDE Framing and Remodeling, LLC (Representative: David Estrada). ZON06-00036 **(District 7)**

[Development Services/Planning, Mirian Spencer, (915) 541-4723]

14. PUBLIC HEARING – ENGINEERING DEPARTMENT:

An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.44 (Stopping, Standing, and Parking Generally), Section 12.44.170 (Parking on City-Owned Property), of the El Paso City Code revising the reference to applicable State statutes for parking fee exemptions for veterans with certain registered license plates. The penalty is as provided in Chapter 12.84 of the El Paso City Code. **(All Districts)**
[Engineering Department, Traffic Division, Ted Marquez, (915) 541-4035]

15. PUBLIC HEARING – PARKS AND RECREATION:

An Ordinance authorizing the conveyance of lot 19, block 30, Tierra Del Este unit four, El Paso, El Paso County, Texas. **(District 5)**
[Parks and Recreation, Norman C. Merrifield, (915) 564-7310]

EXECUTIVE SESSION

The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

EX1. Mark James Bittakis vs. City of El Paso, et. al.; Cause No. EP-05-CV-402-FM. (551.071). [City Attorney's Office, Jennifer F. Callan, (915) 541-4550]

EX2. Hector Montes vs. City of El Paso, et. al.; Cause No. 2004-3729. (551.071). [City Attorney's Office, Jennifer F. Callan, (915) 541-4550]

NOTICE TO THE PUBLIC:

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print or audio tape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

ALL CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY FRIDAY AT THE ADDRESS BELOW:

<http://www.elpasotexas.gov>